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NSA's new gadfly listens for '1984'

By Tom Nugent

Jim Bamford, whose new book about the secret workings of the U.S. National Security Agency will be published this week, was on the telephone yesterday morning.

Jim was talking on his home phone, up in Boston, and so it was quite natural—after some of the battles he's had with the federal government in recent years—to wonder if our conversation was being bugged.

"Jim," the reporter asked the new author at one point, "do you think your phone is bugged?"

"Well," said Jim, sounding pretty calm about the whole thing, "they have a right to tap my phone. Because under the FISA [Federal Intelligence Surveillance Act, 1978] if you're suspected of committing a crime, they have a right to tap your phone."

"Now, the Justice Department has asked me to return those documents they claim are top secret. And I have refused to do that. So I think it's [bugging] a distinct possibility.... But I'm not going to live under an umbrella of paranoia. It hasn't altered my behavior, or gotten me nervous every day."

Fair enough. But what about the people who call Jim Bamford? Do they get nervous at the thought that the calls might be monitored?

"It inhibits their conversation to some extent," said Jim. "I've had times where people have said, 'Let's talk about it when I come over—or let's meet somewhere'....

"I wish the system would work so that if they [the government] feel there's reasonable grounds to believe I'm a criminal, they should go through the usual channels and get a warrant."

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He's not an "alarmist," he says.

Yet his book begins with a passage lifted from what may well be the most "alarmist" document of our time: George's Orwell's grim portrait, "1984," of a society trapped in a surveillance-based dictatorship from which there is no escape.

There was of course no way of knowing whether you were being watched at any given moment.... You had to live—

did live, from habit that became instinct—in the assumption that every sound you made was overheard and, except in darkness, every movement scrutinized.

This is a non-alarmist approach to writing about the federal government?

"Well," said the lawyer-turned-researcher-turned-author during an interview in a Washington coffee shop, "I think there is a great potential for the NSA to invade privacy, and to verge on Orwell's '1984' vision. But all that is a necessary evil; you have to have that because it's necessary to listen to the Russians."

"So I do think we need the NSA. But at the same time, I know that there's nothing which is going to stop technology. And if there's any theme to my book [*The Puzzle Palace*, Houghton Mifflin, \$16.95], it's that you've got to keep a rein on the National Security Agency...."

"You've got to make sure that that ear continues to point outward—and not turn inward. Congress has to take on that responsibility, and so does the press. Because the dangers here are very, very great."

The whole thing does sound a bit strange.

We watch the NSA, to make sure it doesn't step out of line; the NSA watches us, to make sure we don't step out of line!

Franz Kafka, right?

You bet, says Jim Bamford.

Did you know, he wonders aloud, that the same Federal Intelligence Surveillance Act—which attempts to define what the top-secret NSA may or may not do to your telephone—resulted in the creation of a special courtroom. It's the Foreign Intelligence Surveillance Court (it's located on the top floor of the Justice Department; there are no windows), in which "trials" are conducted to determine whether possible espionage targets in this country should be approved for surveillance—"trials," that is, where "defendants" are judged without benefit of adversary proceedings, and without being allowed to object or argue in their own defense.

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The National Security Agency, which today runs what is probably the world's larg-